

AMENDED IN ASSEMBLY FEBRUARY 10, 2010

AMENDED IN SENATE DECEMBER 16, 2009

SENATE BILL

No. 525

Introduced by Senator Padilla

(Principal coauthor: Assembly Member Torrico)

(Coauthor: Senator Harman)

February 27, 2009

An act to add Section 4576 to the Penal Code, relating to correctional facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 525, as amended, Padilla. Correctional facilities: wireless communication devices.

Existing law establishes various offenses relating to the unauthorized provision of specified items to persons confined in local and state correctional facilities.

This bill would provide, subject to exceptions, that any person who possesses with the intent to deliver, or delivers, to an inmate or ward in the custody of the Department of Corrections and Rehabilitation any cellular telephone or other wireless communication device or any component thereof, including, but not limited to, a subscriber identity module (SIM card) or memory storage device, is guilty of a misdemeanor, punishable by a fine not exceeding \$5,000, for each device. The bill would also provide that if a person visiting an inmate or ward in the custody of the department is found to be in possession of a cellular telephone or other wireless communication device or any component thereof, including, but not limited to, a SIM card or memory storage device, when searched or subjected to a metal detector, as specified, that cellular telephone or wireless communication device or

component shall be subject to confiscation. The bill would require posted notices regarding those search and confiscation provisions, as specified.

By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4576 is added to the Penal Code, to read:
2 4576. (a) Except as otherwise authorized by law, or when
3 authorized by *either* the person in charge of the prison or other
4 institution under the jurisdiction of the Department of Corrections
5 and Rehabilitation or ~~by~~ an officer of the institution empowered
6 to give that authorization, and except as provided in subdivision
7 (b), any person who possesses with the intent to deliver, or delivers,
8 to an inmate or ward in the custody of the department any cellular
9 telephone or other wireless communication device or any
10 component thereof, including, but not limited to, a subscriber
11 identity module (SIM card) or memory storage device, is guilty
12 of a misdemeanor, punishable by a fine not to exceed five thousand
13 dollars (\$5,000), for each device.

14 (b) If a person visiting an inmate or ward in the custody of the
15 department, upon being searched or subjected to a metal detector,
16 is found to be in possession of a cellular telephone or other wireless
17 communication device or any component thereof, including, but
18 not limited to, a SIM card or memory storage device, that device
19 or component shall be subject to confiscation. Notice of this
20 provision shall be posted in all areas where visitors are searched
21 prior to visitation with an inmate or ward in the custody of the
22 department.

23 SEC. 2. No reimbursement is required by this act pursuant to
24 Section 6 of Article XIII B of the California Constitution because
25 the only costs that may be incurred by a local agency or school

1 district will be incurred because this act creates a new crime or
2 infraction, eliminates a crime or infraction, or changes the penalty
3 for a crime or infraction, within the meaning of Section 17556 of
4 the Government Code, or changes the definition of a crime within
5 the meaning of Section 6 of Article XIII B of the California
6 Constitution.

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